IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS

In re application of:	Confirmation No. 5092
Justin Monk	Examiner: Fischetti, Joseph A.
Application No.: 10/694,925	Technology Center/Art Unit: 3627
Filed: October 27, 2003	APPELLANT'S REPLY BRIEF
For: METHODS AND SYSTEMS FOR PROCESSING TRANSACTIONS FOR INTEGRATED CREDIT AND STORED-VALUE PROGRAMS	
Customer No.: 20350	

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants offer this Reply Brief in response to the Examiner's Answer mailed September 13, 2006. The following remarks are intended to further focus the issues in this appeal.

Remarks

In response to the arguments in the Examiner's Answer mailed September 13, 2006 ("Examiner's Answer"), Appellants wish to address a number of issues raised by the Examiner.

Claim 1 calls for a point of sale device configured to distribute portions of the amount of a transaction between two accounts associated with the same instrument. The Board is thus called on to determine whether the references cited teach nonzero payment distributions for a transaction at a point of sale device between two accounts associated with the same instrument.

The Examiner, however, inaccurately characterizes the issue, stating that the "major issue for the Board to decide is whether allocating a portion of a cost between two accounts is patentable" (Examiner's Answer, p. 6). As is evident, claim 1 in fact includes a number of additional limitations. For a rejection to be maintained under §103(a), all limitations of the claim must be taught or suggested by the cited references, and there be some suggestion or motivation to combine or modify the reference teachings in the manner the Examiner proposes. MPEP 2143. The combination of references cited clearly fail to meet this criteria.

The Examiner also repeatedly states that Appellants "concede" or "do not seem to challenge" a number of issues that may be considered material by the Board. Appellants traverse such statements, and respectfully ask the Board to rely instead on the Appeal Brief submitted June 22, 2006 to assess Appellants' arguments.

Turning to particular issues raised by the Examiner, there is the suggestion that the claims do not call for a single instrument (Examiner's Answer, p. 8) But the plain language of claim 1 describes "an instrument associated with a stored value account and a credit account" and a "distribution of the cost for the transaction among the stored-value and credit accounts ... at the point-of-sale device." The Examiner also questions the meaning of the term "instrument," but the meaning of that term is known in the art, and made clear in the Specification (Original

Application, p. 8, ll. 13-29; Fig. 3). The arguments raised by the Examiner as they are related to these issues are clearly without merit

None of the cited references teach or suggest a point of sale device configured to distribute portions of the amount of a transaction between two accounts associated with the same instrument, as set forth in the claims.

CONCLUSION

Thus, for at least these reasons as well as the reasons stated in the Appellants' Appeal Brief, which are hereby incorporated by reference, it is believed that the above claims are entitled to allowance. Appellants respectfully ask the Board to reverse each of the rejections of the Examiner. Although Appellants believe no fee is due, please deduct from Deposit Account 20-1430 any fees that are due in association with the filing of this Reply Brief.

Respectfully submitted,

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CLAIMS APPENDIX:

1.   (Previously Presented) A method for processing a transaction with a customer at a point of sale, the method comprising:

receiving, at a point-of-sale device, a cost for the transaction;

receiving, at the point-of-sale device, instrument-identification information identifying an instrument associated with a stored-value account and a credit account, wherein the stored-value account and the credit account were linked substantially contemporaneously with issuance of the instrument to the customer;

generating a request to select a distribution of the cost for the transaction among the stored-value and credit accounts for presentation at the point-of-sale device;

receiving, at the point of sale device, a response to the request that identifies a selected distribution identifying a first nonzero portion of the cost for the transaction to be applied to the stored-value account and a second nonzero portion of the cost for the transaction to be applied to the credit account; and

transmitting, from the point-of-sale device, instructions to apply the cost for the transaction to the stored-value and credit accounts in accordance with the received response.

2.   (Original) The method recited in claim 1 wherein generating the request comprises generating a request for the customer to select one of the stored-value and credit accounts for application of the cost of the transaction.

3.   (Original) The method recited in claim 1 further comprising verifying that the transaction qualifies for application of the cost to the stored-value account.

4.   (Original) The method recited in claim 1 further comprising verifying that the transaction qualifies for application of the cost to the credit account.

5.   (Original) The method recited in claim 1 wherein the request identifies a current value stored in the stored-value account.

6.   (Original) The method recited in claim 5 wherein the request includes an option to apply an amount of the cost for the transaction in excess of the current value stored in the stored-value account to the credit account.

7.   (Original) The method recited in claim 1 wherein the cost for the transaction exceeds a current value stored in the stored-value account and the instructions include:

a request to apply a portion of the cost equal to the current value stored in the stored-value account to the stored-value account; and

a request to apply an excess of the cost over the current value stored in the stored-value account to the credit account.

8.   (Withdrawn) A method for processing a transaction with a customer at a point of sale, the method comprising:

receiving, at a point-of-sale device, a cost for the transaction;

receiving, at the point-of-sale device, instrument-identification information identifying an instrument associated with a stored-value account and a credit account;

transmitting instructions, from the point-of-sale device, to apply a portion of the cost equal to a current value stored in the stored-value account to the stored-value account; and

transmitting instructions, from the point-of-sale device, to apply an excess of the cost over the current value stored in the stored-value account to the credit account.

9.   (Withdrawn) The method recited in claim 8 wherein the stored-value account and credit account were linked substantially contemporaneously with issuance of the instrument to the customer.

10.   (Withdrawn) The method recited in claim 8 further comprising verifying that the transaction qualifies for application of the portion of the cost to the stored-value account.

11.   (Withdrawn) The method recited in claim 8 further comprising verifying that the transaction qualifies for application of the excess to the credit account.

12.   (Withdrawn) A computer-readable storage medium having a computer-readable program embodied therein for directing operation of a point-of-sale device including an input device, a communications system, and a processor, wherein the computer-readable program includes instructions for operating the point-of-sale device to process a transaction with a customer at a point of sale in accordance with the following:

receiving, with the input device, a cost for the transaction;

receiving, with the input device, instrument-identification information identifying an instrument associated with a stored-value account and a credit account, wherein the stored-value account and the credit account were linked substantially contemporaneously with issuance of the instrument to the customer;

generating, with the processor, a request to select a distribution of the cost for the transaction among the stored-value and credit accounts for presentation at the point-of-sale device;

receiving, with the input device, a response to the request that identifies a selected distribution identifying a first nonzero portion of the cost for the transaction to be applied to the stored-value account and a second nonzero portion of the cost for the transaction to be applied to the credit account; and

transmitting, with the communications system, instructions to apply the cost for the transaction to the stored-value and credit accounts in accordance with the received response.

13.   (Withdrawn) The computer-readable storage medium recited in claim 12 wherein the instructions for generating the request include instructions for generating a request for the customer to select one of the stored-value and credit accounts for application of the cost of the transaction.

14.   (Withdrawn) The computer-readable storage medium recited in claim 12 wherein the computer-readable program further includes instructions for verifying that the transaction qualifies for application of the cost to the stored-value account.

15.   (Withdrawn) The computer-readable storage medium recited in claim 12 wherein the computer-readable program further includes instructions for verifying that the transaction qualifies for application of the cost to the credit account.

16.   (Withdrawn) The computer-readable storage medium recited in claim 12 wherein the request identifies a current value stored in the stored-value account.

17.   (Withdrawn) The computer-readable storage medium recited in claim 16 wherein the request includes an option to apply an amount of the cost for the transaction in excess of the current value stored in the stored-value account to the credit account.

18.   (Withdrawn) The computer-readable storage medium recited in claim 12 wherein the cost for the transaction exceeds a current value stored in the stored-value account and the instructions transmitted by the communications system include:

        a request to apply a portion of the cost equal to the current value stored in the stored-value account to the stored-value account; and

        a request to apply an excess of the cost over the current value stored in the stored-value account to the credit account.

19.   (Withdrawn) A computer-readable storage medium having a computer-readable program embodied therein for directing operation of a point-of-sale device including an input device, a communications system, and a processor, wherein the computer-readable program includes instructions for operating the point-of-sale device to process a transaction with a customer at a point of sale in accordance with the following:

        receiving, with the input device, a cost for the transaction;

        receiving, with the input device, instrument-identification information identifying an instrument associated with a stored-value account and a credit account;

        transmitting, with the communications system, instructions to apply a portion of the cost equal to a current value stored in the stored-value account to the stored-value account; and

transmitting, with the communications system, instructions to apply an excess of the cost over the current value stored in the stored-value account to the credit account.

20.   (Withdrawn) The computer-readable storage medium recited in claim 19 wherein the stored-value account and credit account were linked substantially contemporaneously with issuance of the instrument to the customer.

21.   (Withdrawn) The computer-readable storage medium recited in claim 19 wherein the computer-readable program further includes instructions for verifying that the transaction qualifies for application of the portion of the cost to the stored-value account.

22.   (Withdrawn) The computer-readable storage medium recited in claim 19 wherein the computer-readable program further includes instructions for verifying that the transaction qualifies for application of the excess to the credit account.